

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APR 16 2003  
 O I P E JC177  
 PATENT & TRADEMARK OFFICE  
 Applicant : Vincent P. Stanton, Jr. Art Unit :  
 Serial No. : 09/963,333 Examiner :  
 Filed : September 24, 2001  
 Title : THYMIDYLATE SYNTHASE GENE SEQUENCE VARIANCES HAVING  
 UTILITY IN DETERMINING THE TREATMENT OF DISEASE

Commissioner for Patents  
 Washington, D.C. 20231

DECLARATION REGARDING INCORPORATION BY REFERENCE

Applicant hereby declares that the Sequence Listing appended hereto consists of the same sequence information incorporated by reference in the application by reference to the GenBank® Identifier for each sequence.

The sequence of SEQ ID NO:1 in the appended Sequence Listing is the same as that associated with GenBank® Accession Number X02308 on July 20, 1998, the filing date of U.S. Serial No. 60/093,484, from which the present application claims priority. This particular version of GenBank® Accession Number X02308 is assigned to the version identifier GI:37478. Appendix D attached hereto is a printout from the GenBank® database of GenBank® Accession Number X02308 [GI:37478]. According to the GenBank® database, this sequence has not been updated since April 21, 1993.

The sequence of SEQ ID NO:2 in the appended Sequence Listing is the same as that associated with GenBank® Accession Number D00517 on July 20, 1998, the filing date of U.S. Serial No. 60/093,484, from which the present application claims priority. This particular version of GenBank® Accession Number D00517 is assigned to the version identifier GI:220133. Appendix E attached hereto is a printout from the GenBank® database of

## CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

April 9, 2003  
 Date of Deposit

Amie Ray  
 Signature

Amie Ray  
 Typed or Printed Name of Person Signing Certificate

Applicant : Vincent P. Stanton, Jr.  
Serial No. :  
Filed : HEREWITH  
Page : 2

Attorney's Docket No.: 11926-015002

GenBank® Accession Number D00517 [GI: 220133]. According to the GenBank® database, this sequence has not been updated since April 29, 1993.

The sequence of SEQ ID NO:3 in the appended Sequence Listing is the same as that associated with GenBank® Accession Number D00596 on July 20, 1998, the filing date of U.S. Serial No. 60/093,484, from which the present application claims priority. This particular version of GenBank® Accession Number D00596 is assigned to the version identifier GI: 220135. Appendix F attached hereto is a printout from the GenBank® database of GenBank® Accession Number D00596 [GI: 220135]. According to the GenBank® database, this sequence has not been updated since April 29, 1993.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Date

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Vincent P. Stanton, Jr.

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Boston, MA 02110-2804  
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Facsimile: (617) 542-8906

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# Appendix D for Declaration for U.S. Application No. 09/963,333

 NCBI

Nucleotide

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[Structure](#)
[PMC](#)
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History

1: X02308. Human mRNA for thymidylate synthase [gi:37478]

Links

**LOCUS** HSTSYN1 1536 bp mRNA linear PRI 12-SEP-1993  
**DEFINITION** Human mRNA for thymidylate synthase (EC 2.1.1.45).  
**ACCESSION** X02308  
**VERSION** X02308.1 GI:37478  
**KEYWORDS** inverted repeat; synthetase; tandem repeat.  
**SOURCE** Homo sapiens (human)  
**ORGANISM** Homo sapiens  
Eukaryota; Metazoa; Chordata; Craniata; Vertebrata; Euteleostomi;  
Mammalia; Eutheria; Primates; Catarrhini; Hominidae; Homo.  
**REFERENCE** 1 (bases 1 to 1536)  
**AUTHORS** Takeishi,K., Kaneda,S., Ayusawa,D., Shimizu,K., Gotoh,O. and Seno,T.  
**TITLE** Nucleotide sequence of a functional cDNA for human thymidylate synthase  
**JOURNAL** Nucleic Acids Res. 13 (6), 2035-2043 (1985)  
**MEDLINE** 85215597  
**PUBMED** 2987839  
**COMMENT** Data kindly reviewed (22-OCT-1985) by Seno T.  
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Mar 17 2003 10:55:57

# Appendix F for Declaration for U.S. Application No. 09/963,333



Nucleotide

PubMed	Nucleotide	Protein	Genome	Structure	PMC	Taxonomy	OMIM	Books
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Display	<input type="button" value="default"/>	Show: <input type="text" value="20"/>	Send to	<input type="button" value="File"/>		<input type="button" value="Get Subsequence"/>		

[ 1: D00596. Homo sapiens gene...[gi:220135]

Links

**LOCUS** HUMTS1 18596 bp DNA linear PRI 14-APR-2000  
**DEFINITION** Homo sapiens gene for thymidylate synthase, exons 1, 2, 3, 4, 5, 6, 7, complete cds.  
**ACCESSION** D00596  
**VERSION** D00596.1 GI:220135  
**KEYWORDS** thymidylate synthase.  
**SOURCE** Homo sapiens (human)  
**ORGANISM** Homo sapiens  
Eukaryota; Metazoa; Chordata; Craniata; Vertebrata; Euteleostomi; Mammalia; Eutheria; Primates; Catarrhini; Hominidae; Homo.  
**REFERENCE** 1 (bases 1 to 18596)  
**AUTHORS** Kaneda,S., Nalbantoglu,J., Takeishi,K., Shimizu,K., Gotoh,O., Seno,T. and Ayusawa,D.  
**TITLE** Structural and functional analysis of the human thymidylate synthase gene  
**JOURNAL** J. Biol. Chem. 265 (33), 20277-20284 (1990)  
**MEDLINE** 91056070  
**PUBMED** 2243092  
**COMMENT** These data kindly submitted in computer readable form by: Sumiko Kaneda  
National Institute of Genetics  
1111 Yata  
Mishima 411  
Japan  
Phone: +81-559-72-2732  
Fax: +81-559-71-3651.  
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Appendix E for Declaration for U.S. Application No. 09/963,333

The image shows the NCBI Nucleotide search interface. At the top, there are links for PubMed, Nucleotide, Protein, Genome, Structure, PMC, Taxonomy, OMIM, and Book. Below the links is a search bar with "Search [Nucleotide] for [D00596]". Underneath the search bar are buttons for "Display default", "Show: 20", "Send to File", "Limits", "Preview/Index", "History", "Go", "Clear", "Clipboard", and "Get Subsequence". To the right of these buttons are "Taxonomy", "OMIM", and "Details" links. A "Links" link is located at the far right.

[1: D00517. Homo sapiens gene...[gi:220133]

Links

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**DEFINITION** Homo sapiens gene for thymidylate synthase, exon 1, partial cds.  
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**VERSION** D00517.1 GI:220133  
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**ORGANISM** Homo sapiens  
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**AUTHORS** Takeishi,K., Kaneda,S., Ayusawa,D., Shimizu,K., Gotoh,O. and Seno,T.  
**TITLE** Human thymidylate synthase gene: isolation of phage clones which cover a functionally active gene and structural analysis of the region upstream from the translation initiation codon  
**JOURNAL** J. Biochem. 106 (4), 575-583 (1989)  
**MEDLINE** 90110051  
**PUBMED** 2532645  
**COMMENT** These data kindly submitted in computer readable form by: Keiichi Takeishi  
University of Shizuoka School of Food and Nutritional Sciences 395 Yada  
Shizuoka-shi,  
Shizuoka-ken 422  
Japan  
Phone: 0542-64-5540  
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